IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4183 OF 2005

Shri.Vipul Dahyalal Bhatt ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr. A.H.H.Ponda Advocate for Applicant
Mr. V.B.Konde-Deshmukh,A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JULY 22,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has challenged the Show-Cause Notice dated 7.6.2005 issued against him by Respondent No.2 i.e. Special Executive Magistrate, Girgaum, Mumbai. The said show cause notice is issued in Chapter Case No. 30 of 2005. The applicant has prayed that the chapter proceedings i.e. Chapter Case No.30 of 2005 be quashed.

3. In the present case, it is seen that a show cause notice has been issued to the applicant. On instructions the learned A.P.P. has made a categorical submission that no final order has been passed in the said chapter proceedings and the matter is pending consideration before the Special Executive Magistrate.

4. In this view of the matter, I am not inclined to quash the chapter proceedings at this stage. At this stage, in my opinion, it would be premature to quash the proceedings against the applicant. The Special Executive Magistrate shall give sufficient opportunity to the applicant to defend himself by leading evidence if necessary and thereafter, decide the proceedings. In case order is passed directing the applicant to execute a bond, he shall be given four days time to furnish bond and surety.

5. Application is disposed of in terms of the above order.

[V.K.TAHILRAMANI,J.]